

UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND

CHAMBERS OF
CHARLES B. DAY
UNITED STATES MAGISTRATE JUDGE

U.S. COURTHOUSE
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October 7, 2010

VIA ELECTRONIC FILING

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Re: Beyond Systems, Inc. v. World Avenue USA, LLC.
Civil Action No. PJM-08-921

Dear Counsel:

Pursuant to the referral of this case to me for resolution of discovery disputes, the Court has reviewed Defendant World Avenue USA, LLC's Motion to Compel Production of Documents Responsive to Fourth Request for Production ("Defendant's Motion")(ECF No. 271) and the related memoranda thereto. No hearing is deemed necessary. Local Rule 105.6 (D. Md.). The Court hereby GRANTS Defendant's Motion.

Plaintiff has made no effort to defend its boilerplate objections. Plaintiff shall produce all responsive documents to Requests 1 through 23 of the Fourth Request for Production in its possession, custody, or control as defined by Steele Software Systems, Corp. v. DataQuick Info. Sys., Inc., 237 F.R.D. 561, 564 (D. Md. 2006). As the "game plan" document was not listed on a privilege log, it shall be produced.

For each responsive document, Plaintiff shall organize the responsive documents and physically label each document as responsive to individual categories of the Fourth Request for Production of Documents as required by Rule 34(b)(2)(E)(i).

Based on the conduct outlined in the memorandum in support of Defendant's Motion, the Court finds that an award of sanctions is merited and that Plaintiff's Opposition to Defendant's Motion was not substantially justified. Defendant shall have twenty-one (21) days to file a

Declaration of Attorney's Fees and Costs incurred in connection with its Motion. Plaintiff shall have fourteen (14) days thereafter to file any opposition thereto.

Despite the informal nature of this ruling, it shall constitute an Order of Court, and the Clerk is directed to docket it accordingly.

Very truly yours,

/s/

Charles B. Day
United States Magistrate Judge

CBD/bab